



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/809,934

03/26/2004

Akira Yamamoto

59558.00023

6428

32294

7590

02/25/2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

14TH FLOOR

8000 TOWERS CRESCENT

TYSONS CORNER, VA 22182

EXAMINER

AFZALI, SARANG

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/809,934
Filing Date: March 26, 2004
Appellant(s): YAMAMOTO ET AL.

David D. Nelson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/4/2008 appealing from the Office action mailed 6/8/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: The rejection of claim 4, in

alternative, under 35 USC 102(b) as being anticipated by Agnoff (US 5,088,596) is withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,082,180	Chung	4-1978
6,447,336	Fannin et al.	9-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Chung (US4082180). Chung teaches a motorized roller comprising: a roller body **30,32** of the motorized roller; a motor **46** disposed inside the roller body **30,32**; a reducer **40** which is disposed inside the roller body **30,32**, and reduces the rotation of the motor **46**; and a rotor **112** which is disposed inside the roller body **30,32**, and connected with the reducer

40 and the roller body **30,32** to transmit power of the reducer **40** to the roller body **30,32**; wherein the roller body **30,32** comprises a first roller body **30** and a second roller body **32**, and an axial end section of a second roller body side of the first roller body **30** and an axial end section of a first roller body side of the second roller body are connected at a power transmission section between the rotor and the roller body.

Note that the periphery edge of the second roller body **32** is considered an axial end section of the roller body, as opposed to the center or middle sections of the roller body. Furthermore, the connection is at axial end sections of both first and second roller bodies, as opposed to middle sections (or non-end sections) of the first and second roller bodies.

Claims 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fannin et al. (US6447336).

As applied to claim 4, Fannin et al. teach a motor **82**, reducer **84**, a rotor **89**, wherein the roller body comprises a first roller body **104** and a second roller body **88** and an axial end section of a second roller body side of the first roller body **104** and an axial end section of a first roller body side of the second roller body **88** are connected at a power transmission section between the rotor and the roller body.

Note that the connection is at axial end sections of both first and second roller bodies, as opposed to middle sections (or non-end sections) of the first and second roller bodies.

As applied to claim 5, Fannin et al. teach that the left-hand side surface (toward the inside of the roller assembly) of the first roller body **104**, which is considered an inner peripheral surface, is connected to an outer peripheral surface (right-hand side surface toward outside of the roller assembly) of the rotor **89** and that the inside surface of the second roller body **88**, which is considered the inner peripheral surface, is connected to an outer peripheral surface of the rotor **89**.

(10) Response to Argument

The appellant's main arguments with respect to Chung are that (i) the element **112** is not a rotor and (ii) the motorized roller recited in appellant's claim 4 provides significant benefits that cannot be achieved through the structure disclosed in Chung, which is, namely, the high precision processing to accurately transmit the power transmission from the motor to the rotor body.

The appellant further argues with respect to Fannin et al. that (iii) the elements **88** and **104** do not meet at axial ends and that element **104** is not part of the roller body, as recited in claim 4, and (iv) that the inner peripheral surfaces of the element **88** and element **104** do not connect to an outer peripheral surface of element **89**, as recited in claim 5.

The Examiner respectfully disagrees with the above arguments.

(i) The element **112** is a rotating body of a motorized assembly which is disposed inside the roller body and used to transmit the power of the reducer to the

roller body. As such, considering the broadest reasonable claim interpretation, element **112** is considered a rotor.

(ii) In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., high precision processing) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(iii) Considering the broadest reasonable claim interpretation, the element **104** is part of the roller body regardless of what this element is being called by the appellant and/or Fannin et al. As such, element **104** is considered a roller body. Note that there are several components used in the assembly of Fannin et al., and clearly element **104** is not part of the electric motor.

(iv) Fannin et al. teach that the left-hand side surface (toward the inside of the roller assembly) of the first roller body **104**, which is considered an inner peripheral surface, is connected to an outer peripheral surface (right-hand side surface toward outside of the roller assembly) of the rotor **89** and that the inside surface of the second roller body **88**, which is considered the inner peripheral surface, is connected to an outer peripheral surface of the rotor **89**.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Sarang Afzali

/Sarang Afzali/

Examiner, Art Unit 3726

Conferees:

David P. Bryant

/David P. Bryant/

Supervisory Patent Examiner, Art Unit 3726

Marc Jimenez

/Marc Jimenez/

TQAS TC 3700